

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

REC'D 13 JUN 2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/B2005/051170

International filing date (day/month/year)
11.04.2005

Priority date (day/month/year)
20.04.2004

International Patent Classification (IPC) or both national classification and IPC
G11B23/40, B41J3/407

Applicant
KONINKLIJKE PHILIPS ELECTRONICS N.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/IB2005/051170

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/B2005/051170

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

| | | |
|-------------------------------|-------------|------------|
| Novelty (N) | Yes: Claims | 1-11 |
| | No: Claims | |
| Inventive step (IS) | Yes: Claims | 8,9 |
| | No: Claims | 1-7, 10,11 |
| Industrial applicability (IA) | Yes: Claims | 1-11 |
| | No: Claims | |

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

Reference is made to the following document:

D1: US 2003/179679 A1 (MORISHIMA MORITO) 25 September 2003 (2003-09-25)

1. Regarding claim 1.

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 does not involve an inventive step in the sense of Article 33(3) PCT.

The document D1 discloses (see paragraphs. 120-125; the references in parentheses applying to this document):

- a record carrier (fig. 1) comprising a plurality of stacked layers (205,206,207; see figs. 2-4,17),

the optical properties of at least a part of the stacked layers being changeable by applying heat (par. 122), thereby providing a stack of optical property changing layers, so that a visible pattern can be written on the record carrier by applying a laser beam (par. 131) to an upper surface (208) of the stacked layers,

wherein, depending on the power of the laser beam (paragraphs 124,177-183), the laser beam is able to reach the lower layers (205) of the stack of optical property changing layers,

wherein the temperature (see fig. 4) required to induce an optical property change [claim 1 reads: increases] **decreases** from the upper to the lower optical property changing layers.

The subject-matter of claim 1 therefore differs from this known record carrier in that the temperature required to induce an optical property change **increases** from the upper to the lower optical property changing layers while in D1 the temperature **decreases** from the upper to the lower optical property changing layers.

This differentiating feature appears to be an obvious alternative with respect to the disposition of the layers in the record carrier of D1, therefore claim 1 cannot be considered as involving an inventive step (Article 33(3)PCT) .

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/IB2005/051170

2. Regarding claim 5.

The additional features in claim 5 appear to be in contradiction with the characterising part of claim 1.

This additional features correspond in fact, to the situation of the plurality of stacked layers disclosed in D1.

3. Regarding claim 10.

It appears that in the method, is missing the step of providing a disk as defined in claim 1 and the step in which heat is applied with a laser beam to the plurality of stacked layers of the record carrier, in order to provide a change in the optical property of the layers.

Therefore claim 10 contravene art. 84 EPC.

3.1 In view of the considerations of the above point 1, claim 10 appears to lack inventive step in view of D1.

4. Dependent claims 2-7 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

5. The combination of the features of dependent claim 8, 9 is neither known from, nor rendered obvious by, the available prior art.